

# Proposed Amendments to Nebraska Resources Development Fund Rules Relating to Use of New Priority Ranking at the Project Proposal and Fund Allocation Stages of Project Approval

## Proposed Changes Shown in Redline

### 1. Amendments to Title 256, Chapter 2, Rule 007:

007 Review by Commission and Director. Upon receipt of a properly completed Project Proposal, the Director shall review it forthwith, make a preliminary evaluation, and advise the Commission within 90 days: (1) that the Director recommends the Sponsor be authorized to proceed with preparation of a formal application and feasibility report; or (2) that, based upon the submitted proposal, the Director does not recommend the Sponsor prepare an application and feasibility report. The reasons for any negative recommendation shall be stated. If the Director recommends proceeding, he or she shall also indicate the type of funding for which the project may be eligible and a cost-share range within which a funding recommendation is probable if the project is later determined to be eligible for funding. The Director may make any additional recommendations regarding the contents of the formal application and feasibility report he or she deems appropriate. Any such recommendations shall be forwarded to the Sponsor by the Department along with notice of when the Commission will next be considering Project Proposals that have been reviewed by the Director but have not yet been acted on by the Commission. The Sponsor will be invited to appear before the Commission and comment on the Director's recommendations at that time. Upon review and consideration of the Director's recommendations and the Sponsor's comments, if any, the Commission shall determine whether the Director is to advise the applicant: (1) that it is authorized to proceed with preparation of a formal application and feasibility report; or (2) that it is recommended that an application and feasibility report not be prepared; the reasons for a negative recommendation shall be stated. If the Commission has compared and ranked two or more projects for which project proposals were reviewed at the same time, the Sponsor shall also be informed as to the relative ranking of each such proposed project.

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### 2. Amendments to Title 256, Chapter 4, Rule 001:

001 Action on the Report of the Director. Following receipt of a report prepared by the Director in accordance with section 3-001, the Commission may request additional information from the Applicant. At the first regular meeting following receipt of that report, the Commission will decide whether (1) to act at the next regular meeting to approve or reject the findings of fact made by the Director pursuant to section 3-004 and the recommendations of the Director made pursuant to section 3-001 or (2) to defer such action until a later date. If any such deferral is made, it shall be to a date no later than eighteen months following receipt of the

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Director's report and shall be for the purpose of allowing the Commission to rank all projects for which the Commission has not taken action on a report provided by the Director pursuant to section 3-001 and, if desired by a Sponsor thereof, any project for which action on a report provided by the Director was taken in the previous four years but for which no funds have yet been allocated. Prior to the initial Commission action on any project, a delegation composed of Commission members shall visit the project site and report the results of its tour to the Commission or the appropriate committee of the Commission. Action on recommendations made by the Director pursuant to subsections .01 and .02 of section 3-001 shall be in accordance with such recommendations unless action to the contrary is approved by each Commission member eligible to vote on the specific recommendation under consideration. Recommendations made by the Director pursuant to subsections .03, .04, and .05 of section 3-001 may be acted upon by the concurrence of a majority of the Commission. A Commission member shall be ineligible to participate in the action of the Commission concerning an application for a grant or a loan only if such member is a member of the governing body or otherwise represents the applicant for financial assistance. All Commission members shall be eligible to vote on programs and projects involving state acquisition of interests in projects pursuant to Section 2-1590, R.S.Supp., 2006, as amended. If the Commission determines, following review of the application, feasibility report, and the Director's report, that the proposed program or project is eligible for financial assistance from the Fund, the Commission shall determine a tentative dollar figure for such assistance. Tentative allocations shall also be established for each separable component of the project, as determined in accordance with section 4-007. In establishing its tentative allocations, which can be for zero dollars, the Commission may take into consideration the recommendations of the Director pursuant to subsection .04 of section 3-001, the nature of the project and the factors associated with it, the total amount of money available in the Fund, any fiscal limitations placed by the Legislature upon allocations from the Fund, and the number of and total tentative dollar allocations and projects previously determined eligible. No tentative grant allocation shall exceed an amount equal to seventy-five (75%) of the portion of the estimated project costs which the local sponsor would be required to provide if financial assistance from the Fund was not available. The Commission may vary the maximum allowable cost-share rate for different categories of projects. No tentative loan allocation or combination loan and grant allocations shall exceed an amount equal to ninety percent (90%) of such portion of the estimated project costs.

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